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# The Ombudsman Activities Project's Annual Report, 1972-1973

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*Ombudsman Activities Project*

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July 12, 1973

TO: OFFICE OF PROGRAM DEVELOPMENT  
OFFICE OF ECONOMIC OPPORTUNITY

ATTENTION: MISS PATRICIA STOLFA  
CONSUMER AND ENVIRONMENTAL AFFAIRS BRANCH

FROM: PROFESSOR STANLEY V. ANDERSON  
PRINCIPAL INVESTIGATOR  
OMBUDSMAN ACTIVITIES PROJECT  
GRANTEE NO. 9037

RE: ANNUAL REPORT, FISCAL YEAR 1972-73

The Ombudsman Activities Project has now completed three years of a projected three-and-one-half year span. This report can best be divided into three periods: (1) what we have done; (2) what we are doing; (3) what we intend to do. The last category will include a description of the plans of individual members of the Project, and will sketch our relationships to other individuals and organizations.

#### I. WHAT WE HAVE DONE.

The primary function of the Ombudsman Activities Project has been to describe, analyze and evaluate the Ombudsman Projects sponsored by the Office of Economic Opportunity in Iowa, Nebraska and Seattle/King County. This entails comparison with related offices elsewhere.

A. IOWA. Research Analyst Albert Liston has prepared three reports on the workings of the Office of Citizens' Aide in Iowa -- an interim report, a report on the first year of operation, and a concluding report following the second year of operation of that Ombudsman Project. Drawing on this material, Mr. Liston has prepared a chapter in the book edited by Professor Alan Wyner (described below), and he has submitted an article for publication by the Iowa Law Review.

The Iowa operation has been a success. Initially started within the Governor's office, the Iowa Ombudsman office has since been funded and expanded by the Iowa Legislature. From its inception, the Iowa office acted like a proper Ombudsman; it has now been clothed with the formal attributes, particularly the independence which comes from a fixed term of office.

Having labored diligently and effectively, the first Iowa Ombudsman, Mr. Lawrence Carstensen, has resigned and returned to private law practice in Clinton. Prior to his resignation, he designated Deputy Ombudsman Thomas Mayer as Acting Ombudsman. Mr. Mayer is well-qualified, and has been an effective Deputy. He is a lawyer.

B. NEBRASKA. With the help of Research Analyst Glen McKay, Professor Alan Wyner has written a report on the first year of operation of the Nebraska Ombudsman office. He is currently preparing a second and final report. The Nebraska Ombudsman office has also been successful.

Ombudsman Murrell McNeil has now added a third career to the two (Air Force officer and Nebraska Tax Commissioner) which preceded his present occupation. He has established an excellent rapport with administrators up and down the line and with members of the unicameral Legislature. The Legislature has recently indicated willingness to assume financial responsibility for the continuance of the office.

C. SEATTLE/KING COUNTY. With the assistance of Research Analyst Kristen Grim, Professor John Moore has written a report on the work of the Seattle/King County Ombudsman office during its first year. Professor Moore is currently working on a second and concluding report on this office. The Seattle Ombudsman office has been remarkably successful in achieving the objectives associated with the Ombudsman concept, but its future is nevertheless uncertain, due to financial difficulties growing out of cutbacks in the aeronautics industry in the Northwest, and out of the political complexities of its joint sponsorship by the City and County.



Mr. Walton has resigned, and is now City Manager in Martinez, California. Prior to his resignation, he appointed Mrs. Carole Coe as Acting Ombudsman. Mrs. Coe is very well qualified, both by temperament and training. She is a lawyer, and has proven to be a most effective Deputy.

D. NEWARK AND ERIE. After many stops and starts, the City Council in Newark, New Jersey, finally rejected the appointment of an Ombudsman. Thus, this proposed demonstration project did not materialize. Meanwhile, Professor William Gwyn is currently preparing a study of the stillbirth of this office.

While waiting to begin a study of the then-pending Newark Ombudsman office, Professor William Gwyn undertook a preliminary study of the Ombudsman office in Erie, Pennsylvania. Professor Gwyn submitted a substantial report on the Erie office to the Ombudsman Activities Project which is available in mimeographed form. He was assisted in this study at Tulane University by Research Assistant Larry Moore.

E. HAWAII. One study which preceded our association with the Office of Economic Opportunity is now coming to fruition. Prior to the commencement of this grant, Professor John Moore spent a sabbatical leave in Hawaii, studying the inception and operation of the first American State Ombudsman office. Ombudsman Herman Doi has been very imaginative and energetic in adapting the Scandinavian Ombudsman institution to American soil. His office has provided a standard against which others can be judged. Professor Moore's book, nearly completed, will be the first monograph to be published on any Ombudsman office outside of Scandinavia.

F. KABC. Our studies of American Ombudsman offices soon made us realize that we had to take into account related grievance machinery. One could not comprehend the workings of the Ombudsman without understanding other avenues of complaint available to citizens.

Mr. Glen McKay undertook two probing studies for the Ombudsman Activities Project. One was a Preliminary Report on the KABC Ombudsman Service, reported in our Progress Report for the Fourth Quarter FY 72 (pages 4-9). Because of the lack of manpower and of specialized expertise in communications, we

decided not to expand this study into a major undertaking.

G. OXNARD. Together with Ms. Kristen Grim, Mr. McKay also did a study of the Community Relations Office in Oxnard, California. This preliminary report is included in the same quarterly report as the one just mentioned (pages 10-17). Again, limitations of manpower and other priorities prevented us from expanding this study.

H. EXECUTIVE OMBUDSMEN. We decided to focus on Executive Ombudsmen. This variation on the classical Ombudsman office is closer than media action lines or community relations offices, and we felt that we had sufficient manpower and expertise to carry it out. Professor Alan Wyner undertook a study of complaint machinery in the Executive branch of government in the city of Chicago. He also carried out a study of the Ombudsman activities of Lieutenant Governors. The latter resulted in a publication entitled "Lieutenant Governors as Political Ombudsmen," 12 Public Affairs Report (No. 6, 1971).

Professor Wyner agreed to edit a book of original essays on Executive Ombudsmen. His own work in Chicago provided one chapter. Professor Moore's study of the complaint office of the Mayor of Honolulu provided another. As already indicated, Mr. Liston's study in Iowa also provided the basis for a chapter in the Wyner book. (The Iowa Ombudsman office started initially in the Governor's office.)

The Ombudsman Activities Project had previously commissioned Professor Philip J. Hannon to do a study of the Ombudsman office set up by the Chief Executive in Nassau County, New York. His essay also provides a chapter for the book. The Project had also previously commissioned Douglas L. Capps to carry out a study of the Ombudsman office in the Governor's office in Oregon. Mr. Capps assisted the Oregon Ombudsman in preparing a report on his work during the first year, and this enabled Capps to write an essay on the Oregon experience for inclusion in the Wyner book. Finally, the Ombudsman Activities Project also commissioned Professor Dean E. Mann to do a study of the Governor's Branch Offices in Pennsylvania, and this study is also a chapter in the Wyner book. In addition, we were able to draw upon other scholars not connected with the



OAP to supply chapters on Executive Ombudsmen in Puerto Rico and Boston.

The Wyner book is scheduled to be released for distribution by the Institute of Governmental Studies, University of California, Berkeley, during the month of July 1973.

I. PRISONS. The Ombudsman Activities Project collaborated with Dr. Timothy Fitzharris in preparing his manuscript, The Desirability of a Correctional Ombudsman, published by the Institute of Governmental Studies, University of California, Berkeley (1973).

J. DAYTON. Professor Wyner paid an orientation visit to the Ombudsman office in Dayton, Ohio, but we have not been able to allocate additional manpower to a study of this office. It is an interesting office, because it covers a number of governmental jurisdictions in the Dayton area, and is funded both publicly and privately, the latter through charitable donations. The office is empowered to investigate by virtue of a contract entered into between the Ombudsman, Mr. Theodore Bingham, and the appropriate governmental bodies. As this report is written, news arrives from Dayton that Mr. Bingham died suddenly of a heart attack. He was a most energetic and compassionate man, and will be sorely missed.

K. KANSAS CITY. There is another American Ombudsman office which we have been unable to study, but for a different reason. It is the new Ombudsman office in Jackson County, Missouri (Kansas City). It has just begun operation, and we hope to be able to visit it soon.

L. WORKSHOPS. The Ombudsman Activities Project has arranged two Ombudsman Workshops, one in the State of Hawaii in May 1971, and the other in Seattle in August 1972. Each workshop lasted two-and-one-half days.

The Transcript of the Ombudsman Workshop held in Honolulu, May 5-7, 1971 has been published under the title Establishing Ombudsman Offices: Recent Experience in the United States by the Institute of Governmental Studies, University of California, Berkeley (1972). It was heavily edited by Professors Anderson and Moore, after it had been laboriously typed by our then secretary, Mrs. Ellen Hays. Professor Anderson cut out superfluous

matter, and Professor Moore reorganized the material and provided suitable headings.

The second Ombudsman Workshop, held in Seattle on August 10-12, 1972, focused on the following items that it had been impossible to fully explore during the Honolulu conference: (1) own initiative; (2) jurisdictional consideration; (3) publicity; and (4) relations with elected officials.

## II. WHAT WE ARE DOING.

As indicated in the accompanying Quarterly Report, Professors Moore and Wyner are working on their second and concluding reports evaluating the work of the OEO-supported Ombudsman offices in Seattle and Nebraska, respectively. Mr. McKay is currently analyzing the cases from these two jurisdictions. Professors Moore and Wyner have just completed lengthy visits to Seattle and Lincoln, respectively, gathering data and conducting interviews.

The second reports on these jurisdictions will amplify, elaborate, and (if necessary) correct the previous reports which were submitted in 1972.



### III. WHAT WE INTEND TO DO.

Completion of the final reports on Nebraska and Seattle will effectively terminate the work of Professors Wyner and Moore in the Ombudsman Activities Project. Their reports will be mimeographed for distribution. It will be left to the discretion of each of these gentlemen as to what other form of publication might be appropriate for disseminating their findings -- journal articles or monographs, jointly or separately.

Because of the cancellation of the Ombudsman office in Newark, Professor William Gwyn's formal association with the Ombudsman Activities Project ended on June 30, 1973. Professor Gwyn's interest in Ombudsman institutions is venerable. Indeed, one of his former graduate students at Tulane University is now a foremost Ombudsman scholar in his own right -- Professor Larry Hill of the University of Oklahoma. Undoubtedly, Professor Gwyn will continue to nurture this interest, both by conducting research and by supervising graduate students.

Research Analyst Kristen Grim also left the Ombudsman Activities Project on June 30, 1973. Miss Grim had been Research Analyst in Santa Barbara during the fiscal and academic year 1971-72 and continued to serve in Professor Anderson's Berkeley office during the year 1972-73. Her work in the Project has always been excellent. Miss Grim is a Ph.D. student in the Political Science graduate program at the University of California, Berkeley.

Miss Susan May was secretary in the Berkeley office of the Ombudsman Activities Project during the academic year 1972-73. Miss May is an unusually well-qualified secretary, and an unusually fine person. She is an excellent typist and stenographer and assumes initiative and responsibility. Miss May is a senior in Computer Sciences at the University of California, Berkeley.

We are keeping a close eye on our budget, to insure that we make maximum use of the grant from the Office of Economic Opportunity without overspending. If finances permit, the Project would like to retain the services of Research Analyst Glen McKay

after the completion of the reports on Nebraska and Seattle. During the Fall 1973, Mr. McKay would then devote his energies to updating and completing the bibliography of the Ombudsman Activities Project. If this materializes, the bibliography will be mimeographed for distribution. It should be a valuable research tool for other scholars in the field.

Glen McKay has proven to be a most diligent and reliable colleague in the Ombudsman Activities Project. He has assumed double responsibility (both for Nebraska and Seattle) this summer, while working on a three-fourths time basis. Fortunately, we have been able to hire an undergraduate assistant on work-study, to assist Mr. McKay and Mrs. McGuckin also on a waltz basis. She is Ms. Michele Benson, who also worked for the Ombudsman Activities Project during the academic year, 1972-73. Ms. Benson is a capable typist in addition to being a quick and cheerful Jill-of-all-trades.

Research Analyst Albert Liston's employment in the Ombudsman Activities Project ended with the completion of his final report on the Iowa office, as of December 31, 1972. Mr. Liston is a most conscientious and diligent worker, and, again, we were very fortunate to have him in the Project.

Mrs. Susan McGuckin has served as secretary to the Ombudsman Activities Project since August 1972. She will continue in this capacity throughout the duration of the grant, i.e., to December 31, 1973. She has an amazing capacity to work simultaneously under the direction of three professors, while maintaining her equanimity and efficiency. Her last chore will be to type the Final Report which Professor Anderson will submit to the Office of Economic Opportunity on December 31, 1973.

The year which Professor Anderson has just spent on the Berkeley campus permitted the development of two avenues of Ombudsman research which he will continue even after the end of the current grant.

One of these is in the area of prison Ombudsmanry. Professor Anderson has already conducted on-site investigations in Hawaii and Minnesota, with regard to Ombudsman activities in prisons in those two jurisdictions. He will do the same in



Connecticut, Oregon and Washington, D.C. Also, the Iowa Ombudsman office will soon have a deputy with special responsibility for prison complaints, and Professor Anderson hopes to visit Des Moines in order to assist in the expansion of that office.

This will provide a spectrum of five different kinds of prison-related Ombudsman activities: (1) an Executive Ombudsman in the Department of Corrections (Oregon); (2) a specially-designated Deputy Ombudsman in a general Ombudsman office (Iowa); (3) a general Ombudsman who receives a substantial number of prison complaints (Hawaii); (4) an Ombudsman whose sole jurisdiction relates to complaints from prisoners or parolees (Minnesota); and (5) a privately funded but officially recognized Ombudsman with exclusive jurisdiction over jails and prisons (Connecticut).

Jails need Ombudsmen even more than prisons. Washington, D.C. provides the first example of a specialized jail Ombudsman. The Missouri Public Interest Research Group Foundation is currently supporting a proposal to establish an Ombudsman for the City Jail in St. Louis.

Regretfully, Governor Ronald Reagan vetoed the prison Ombudsman bill which passed the California Legislature with a substantial bi-partisan majority ~~for the second year in a row.~~

On the other hand, there is a current proposal for a prison Ombudsman in North Carolina. New Jersey and Pennsylvania have had abortive experiences. In the former, the New Jersey Commissioner of Institutions and Agencies, Robert Clifford, appointed his own aide, Joseph Steliga as "Ombudsman." After ~~two~~ *a few* months on the job, Mr. Steliga quit, because he felt that the Ombudsman office should be independent of administration. In Pennsylvania, the Board of Trustees of Philadelphia Prisons refused to permit James R. Reed to serve as an Ombudsman employed by the private Prison Society, probably because Mr. Reed was himself a former convict. The issue of establishing a prison Ombudsman is still alive in New York, where Governor Nelson Rockefeller is reluctant to permit the 127-year old Correctional Association of New York to carry out an Ombudsman function in State and New York City prisons.



The Resource Center on Correctional Law and Legal Services of the American Bar Association Commission on Correctional Facilities and Services is preparing a booklet entitled American Correctional Ombudsmen, which will treat with the penal activities of American Ombudsmen. In addition, the Center is considering several conferences with prison administrators and prison Ombudsmen. Professor Anderson has been invited to contribute to the efforts of the Commission in this area.

In 1969, Assistant Director Stanley Scott and Professor Anderson began discussions of how the Ombudsman institution might be integrated into the medical arena. As with prison Ombudsmen, experiments with medical Ombudsmen are now also beginning to proliferate.

On a catch-as-catch-can basis, Professors Anderson, Moore, and Wyner responded to inquiries from Matthew Huxley of the National Institute of Mental Health, as he prepared his study of Ombudsmen for Nursing Homes (mimeographed, January 28, 1972), in his capacity as chairman of an inter-agency committee. Since then, the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare has funded five nursing-home Ombudsman demonstration projects, under the supervision of Mrs. Ruth Knee, Associate Deputy Administrator for Health Services Delivery. Mr. Allan Forman is Project Officer. Under Contract No. HSM 110-73-461, Professor Anderson will prepare a report assessing the activities of general American Ombudsmen in the area of long-term care. He will present this report on January 15, 1974.

While in Berkeley, Professor Anderson established contact with a number of scholars and practitioners in the field of medical services. On February 27, 1973, he presented a lecture on "Ombudsmen for Medical Institutions?" to the Bay Area Health Care Society, at the invitation of Professor David Starkweather of the School of Public Health, University of California, Berkeley. The same theme provided the basis for a session on May 29, 1973, with students in a course on "Legal Issues in Nursing Practice" at the School of Nursing, University of California, San Francisco, at the invitation of Professor Sarah Archer.

As always, our relations with the Office of Economic Opportunity have been fruitful and congenial. It was Mr. Ira Kaye and Ms. Patricia Stolfa who first urged the Ombudsman Activities Project to extend its efforts to include categorical Ombudsmen, and our endeavors with regard to prison Ombudsmen and medical Ombudsmen have grown from that suggestion.

#### IV. SUMMARY AND CONCLUSION.

At the end of this calendar year, the Ombudsman Activities Project will return to its pre-1970 status, i.e., an informal relationship between Professor Stanley Anderson and the Institute of Governmental Studies, Berkeley. Secretaries in the Project will find other employment -- as indeed two already have. Students working in the Project will continue and conclude their studies. The Professors engaged in the Ombudsman Activities Project will follow their several paths. One path which some may follow will be continued Ombudsman research.

The most visible results of the Ombudsman Activities Project will be its publications. Hopefully, these will contribute to the continued development of the Ombudsman institution in America, not least to the benefit of poor people.